

REMARKS

This is a full and timely response to the outstanding Final Office Action mailed September 18, 2006 and Advisory Action mailed December 13, 2006. Upon entry of the amendments in this response, claims 1-3, 6, 10-23, 26, 30-36, 39, 43-48, and 51 are pending. More specifically, claims 1, 6, 17, 26, 30, 39, 43 and 51 are amended. These amendments are specifically described hereinafter.

I. Present Status of Patent Application

Claims 1-14 and 17-54 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by *Kamen, et al.* (U.S. Patent No. 6,421,067). Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Kamen, et al.* (U.S. Patent No. 6,421,067) in view of *Lemmons, et al.* (U.S. Patent No. 6,442,775). Applicants have amended claims 1, 6, 17, 26, 30, 39, 43 and 51, thus rendering the rejections to those claims moot. These rejections are respectfully traversed.

II. Rejections Under 35 U.S.C. §102(e)

A. Claims 1-3 and 10-14

The Final Office Action rejects claims 1-3 and 10-14 under 35 U.S.C. §102(e) as allegedly being anticipated by *Kamen, et al.* (U.S. Patent No. 6,421,067). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 1, as amended, recites:

1. A system for providing interactive media services comprising:
memory for storing interactive program guide (IPG) configuration data that is used to determine an IPG channel listing characteristic ***where the channel listing characteristic comprises the number of channels presented concurrently***; and
logic configured to modify the IPG configuration data in response to a first user input requesting a change in the IPG channel listing characteristic.
(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988). Applicant respectfully submits that independent claim 1 as amended is allowable for at least the reason that *Kamen* does not disclose, teach, or suggest at least **where the channel listing characteristic comprises the number of channels presented concurrently**. Even if, *arguendo*, *Kamen* discloses changing an IPG screen characteristic, it does not disclose modifying the IPG configuration data, namely, the number of channels presented concurrently.

The Final Office Action states that, in *Kamen*,

the number of channels displayed in on [sic] the screen depends on what user selected EPG mode. For example, in fig. 2A the EPG has identified a number, i.e., three channels (ABC, FOX and CBS) to be displayed concurrently in the “Program Listings Today” mode. In another user selected mode e.g., “Sports Listings”, “NEWS Listings” modes, etc, similar to the mode selected in fig.2 (not shown), which identifies a number of channels that are showing programs that fit user selected category (Sports in fig. 2) at a specified time period (7pm in this case). Furthermore, it is inherent that identifying, determining and changing how many channels are displayed concurrently occurs when the number of channels with programming that match the user specified category changes as taught by *Kamen*, e.g., in fig. 2C’c if the “NEWS” category is selected for time period starting at 9pm the system logic will identify and determine only ABC and CBS (two) of the three channels displayed in fig. 2A or fig.2.

See Final Office Action, pp. 2-3

Applicant respectfully disagrees. “Anticipation by inherency requires that 1) the missing descriptive matter be ‘necessarily present’ in the prior art reference ...” *Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264 (Fed. Cir. 1991). If, for instance, a user of the system of *Kamen* selects 18 channels to be displayed concurrently in the “Program Listings Today” mode, all 18 channels will not be listed on the same page. *Kamen* fails to teach configuring how many of those 18 channels are displayed concurrently in the IPG. Therefore, since configuring the number of concurrently displayed channels does not necessarily follow from selecting a listing of channels, modifying a characteristic for a number of channels presented concurrently is not

inherent in the disclosure of *Kamen*. The feature is neither inherent in *Kamen*, nor does *Kamen* disclose the feature. Therefore, *Kamen* does not anticipate independent claim 1, and the rejection should be withdrawn.

Because independent claim 1 as amended is allowable over the cited references of record, dependent claims 2, 3, and 10-14 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2, 3, and 10-14 contain all the steps/features of independent claim 1. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, since dependent claims 2, 3, and 10-14 are patentable over *Kamen*, the rejection to claims 2, 3, and 10-14 should be withdrawn and the claims allowed.

B. Claim 6

The Final Office Action rejects claim 6 under 35 U.S.C. §102(e) as allegedly being anticipated by *Kamen, et al* (U.S. Patent No. 6,421,067). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 6 recites:

6. A system for providing interactive media services comprising:
memory for storing interactive program guide (IPG) configuration data that is used to determine an IPG time listing characteristic ***where the time listing characteristic is at least one of the following:***
number of time listings presented concurrently and coverage of a time listing; and
logic configured to modify the IPG configuration data in response to a first user input requesting a change in the IPG time listing characteristic.
(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue.

Applicant respectfully submits that independent claim 6 is allowable for at least the reason that *Kamen* does not disclose, teach, or suggest at least **where the time listing characteristic is at least one of the following: number of time listings presented concurrently and coverage of a time listing**. Even if, *arguendo*, *Kamen* discloses changing an IPG screen characteristic, it fails to disclose modifying a number of time listings presented concurrently or coverage of a time listing.

The Final Office Action states:

Kamen teaches identifying/determining an IPG time listing characteristic (look of the EPG/IPG information displayed) where the time listing characteristic is at least one of the following: number of time listings presented concurrently (2A-2C; in which Kamen teaches determining a number of listings shown for a user selected mode/time periods, e.g., seven time listings are presented concurrently in fig. 2A, three time listings are presented concurrently in figs 2 & 2B, four time listings are presented concurrently in fig. 2C), coverage of a time listing (In fig. 2A and 2, Kamen teaches determining the category/topic [all program listings or “Sports Listings”] covered by an IPG time listing and determining the time period [7:00 PM to 8:00 PM or 7 PM only] covered by an IPG time listing), or identity of time listings presented (fig. 2C Kamen teaches identifying/determining how and what time listings are displayed, e.g., identified sports listing showing during a selected time [“today”] or identifying/determining the time span, i.e., length of the MLB/bat listing so that it corresponds with the programs actual showing time – col. 8, lines 12-14).

See Final Office Action, p. 4.

Even if, *arguendo*, *Kamen* discloses that there are times associated with the channels and channel types that are selected, *Kamen* fails to disclose a screen configuration characteristic of the actual number of time listings presented concurrently or coverage of a time listing. Therefore, *Kamen* does not anticipate independent claim 6, and the rejection should be withdrawn.

C. Claims 17-23

The Final Office Action rejects claims 17-23 under 35 U.S.C. §102(e) as allegedly being anticipated by *Kamen, et al* (U.S. Patent No. 6,421,067). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 17 as amended recites:

17. A method for configuring a user interface, comprising:
receiving a first user input requesting a change in an interactive program guide (IPG) channel listing characteristic ***where the channel listing characteristic comprises the number of channels presented concurrently***; and
modifying IPG configuration data stored in memory in response to receiving the first user input, where the IPG configuration data is used to determine the IPG channel listing characteristic.
(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue.

Applicant respectfully submits that independent claim 17 as amended is allowable for at least the reason that *Kamen* does not disclose, teach, or suggest at least **where the channel listing characteristic comprises the number of channels presented concurrently**. Even if, *arguendo*, *Kamen* discloses changing an IPG screen characteristic, it does not disclose modifying the IPG configuration data, namely, the number of channels presented concurrently.

The Final Office Action states that, in *Kamen*,

the number of channels displayed in on [sic] the screen depends on what user selected EPG mode. For example, in fig. 2A the EPG has identified a number, i.e., three channels (ABC, FOX and CBS) to be displayed concurrently in the “Program Listings Today” mode. In another user selected mode e.g., “Sports Listings”, “NEWS Listings” modes, etc, similar to the mode selected in fig.2 (not shown), which identifies a number of channels that are showing programs that fit user selected category (Sports in fig. 2) at a specified time period (7pm in this case). Furthermore, it is inherent that identifying, determining and changing how many channels are displayed concurrently occurs when the number of channels with programming that match the user specified category

changes as taught by Kamen, e.g., in fig. 2C'c if the "NEWS" category is selected for time period starting at 9pm the system logic will identify and determine only ABC and CBS (two) of the three channels displayed in fig. 2A or fig.2.

See Final Office Action, pp. 2-3

Applicant respectfully disagrees. "Anticipation by inherency requires that 1) the missing descriptive matter be 'necessarily present' in the prior art reference ..." *Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264 (Fed. Cir. 1991). If, for instance, a user of the system of *Kamen* selects 18 channels to be displayed concurrently in the "Program Listings Today" mode, all 18 channels will not be listed on the same page. *Kamen* fails to teach configuring how many of those 18 channels are displayed concurrently in the IPG. Therefore, since configuring the number of concurrently displayed channels does not necessarily follow from selecting a listing of channels, modifying a characteristic for a number of channels presented concurrently is not inherent in the disclosure of *Kamen*. The feature is neither inherent in *Kamen*, nor does *Kamen* disclose the feature. Therefore, *Kamen* does not anticipate independent claim 17, and the rejection should be withdrawn.

Because independent claim 17 as amended is allowable over the cited references of record, dependent claims 18-23 (which depend from independent claim 17) are allowable as a matter of law for at least the reason that dependent claims 18-23 contain all the steps/features of independent claim 17. Therefore, since dependent claims 18-23 are patentable over *Kamen*, the rejection to claims 18-23 should be withdrawn and the claims allowed.

D. Claim 26

The Final Office Action rejects claim 26 under 35 U.S.C. §102(e) as allegedly being anticipated by *Kamen, et al* (U.S. Patent No. 6,421,067). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 26 recites:

26. A method for configuring a user interface, comprising:
receiving a first user input requesting a change in an interactive program guide (IPG)
time listing characteristic *where the time listing characteristic is at least one of
the following:*

*number of time listings presented concurrently and coverage of a time
listing;* and

modifying IPG configuration data stored in memory in response to receiving the first user
input, where the IPG configuration data is used to determine the IPG time listing
characteristic.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 26 is allowable for at least the reason that *Kamen* does not disclose, teach, or suggest at least **where the time listing characteristic is at least one of the following: number of time listings presented concurrently and coverage of a time listing**. Even if, *arguendo*, *Kamen* discloses changing an IPG screen characteristic, it fails to disclose modifying a number of time listings presented concurrently or coverage of a time listing.

The Final Office Action states:

Kamen teaches identifying/determining an IPG time listing characteristic (look of the EPG/IPG information displayed) where the time listing characteristic is at least one of the following: number of time listings presented concurrently (2A-2C; in which *Kamen* teaches determining a number of listings shown for a user selected mode/time periods, e.g., seven time listings are presented concurrently in fig. 2A, three time listings are presented concurrently in figs 2 & 2B, four time listings are presented concurrently in fig. 2C), coverage of a time listing (In fig. 2A and 2, *Kamen* teaches determining the category/topic [all program listings or “Sports Listings”] covered by an IPG time listing and determining the time period [7:00 PM to 8:00 PM or 7 PM only] covered by an IPG time listing), or identity of time listings presented (fig. 2C *Kamen* teaches identifying/determining how and what time listings are displayed, e.g., identified sports listing showing during a selected time [“today”] or identifying/determining the time span, i.e., length of the MLB/bat

listing so that it corresponds with the programs actual showing time – col. 8, lines 12-14).

See Final Office Action, p. 4.

Even if, *arguendo*, *Kamen* discloses that there are times associated with the channels and channel types that are selected, *Kamen* fails to disclose a screen configuration characteristic of the actual number of time listings presented concurrently or coverage of a time listing. Therefore, *Kamen* does not anticipate independent claim 26, and the rejection should be withdrawn.

E. Claims 30-36

The Final Office Action rejects claims 30-36 under 35 U.S.C. §102(e) as allegedly being anticipated by *Kamen, et al* (U.S. Patent No. 6,421,067). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 30 recites:

30. A method for configuring a user interface, comprising:
receiving a first user input requesting a change in an interactive program guide (IPG) channel listing characteristic, ***where the channel listing characteristic comprises the number of channels presented;*** and
changing the IPG channel listing characteristic in accordance with the first user input.
(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 30 as amended is allowable for at least the reason that *Kamen* does not disclose, teach, or suggest at least **where the channel listing characteristic comprises the number of channels presented concurrently**. Even if, *arguendo*, *Kamen* discloses changing an IPG screen characteristic, it does not disclose modifying the IPG configuration data, namely, the number of channels presented concurrently.

The Final Office Action states that, in *Kamen*,

the number of channels displayed in on [sic] the screen depends on what user selected EPG mode. For example, in fig. 2A the EPG

has identified a number, i.e., three channels (ABC, FOX and CBS) to be displayed concurrently in the “Program Listings Today” mode. In another user selected mode e.g., “Sports Listings”, “NEWS Listings” modes, etc, similar to the mode selected in fig.2 (not shown), which identifies a number of channels that are showing programs that fit user selected category (Sports in fig. 2) at a specified time period (7pm in this case). Furthermore, it is inherent that identifying, determining and changing how many channels are displayed concurrently occurs when the number of channels with programming that match the user specified category changes as taught by Kamen, e.g., in fig. 2C’c if the “NEWS” category is selected for time period starting at 9pm the system logic will identify and determine only ABC and CBS (two) of the three channels displayed in fig. 2A or fig.2.

See Final Office Action, pp. 2-3

Applicant respectfully disagrees. “Anticipation by inherency requires that 1) the missing descriptive matter be ‘necessarily present’ in the prior art reference ...” *Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264 (Fed. Cir. 1991). If, for instance, a user of the system of *Kamen* selects 18 channels to be displayed concurrently in the “Program Listings Today” mode, all 18 channels will not be listed on the same page. *Kamen* fails to teach configuring how many of those 18 channels are displayed concurrently in the IPG. Therefore, since configuring the number of concurrently displayed channels does not necessarily follow from selecting a listing of channels, modifying a characteristic for a number of channels presented concurrently is not inherent in the disclosure of *Kamen*. The feature is neither inherent in *Kamen*, nor does *Kamen* disclose the feature. Therefore, *Kamen* does not anticipate independent claim 17, and the rejection should be withdrawn.

Because independent claim 30 as amended is allowable over the cited references of record, dependent claims 31-36 (which depend from independent claim 30) are allowable as a matter of law for at least the reason that dependent claims 31-36 contain all the steps/features of independent claim 30. Therefore, since dependent claims 31-36 are patentable over *Kamen*, the rejection to claims 31-36 should be withdrawn and the claims allowed.

F. Claim 39

The Final Office Action rejects claim 39 under 35 U.S.C. §102(e) as allegedly being anticipated by *Kamen, et al* (U.S. Patent No. 6,421,067). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 39 recites:

39. A method for configuring a user interface, comprising:
receiving a first user input requesting a change in an interactive program guide (IPG) time listing characteristic, ***where the time listing characteristic is at least one of the following:***
number of time listings presented concurrently and coverage of a time listing; and
changing the IPG time listing characteristic in accordance with the first user input.
(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 39 is allowable for at least the reason that *Kamen* does not disclose, teach, or suggest at least **where the time listing characteristic is at least one of the following: number of time listings presented concurrently and coverage of a time listing**. Even if, *arguendo*, *Kamen* discloses changing an IPG screen characteristic, it fails to disclose changing a number of time listings presented concurrently or coverage of a time listing.

The Final Office Action states:

Kamen teaches identifying/determining an IPG time listing characteristic (look of the EPG/IPG information displayed) where the time listing characteristic is at least one of the following: number of time listings presented concurrently (2A-2C; in which *Kamen* teaches determining a number of listings shown for a user selected mode/time periods, e.g., seven time listings are presented concurrently in fig. 2A, three time listings are presented concurrently in figs 2 & 2B, four time listings are presented concurrently in fig. 2C), coverage of a time listing (In fig. 2A and 2, *Kamen* teaches determining the category/topic [all program listings or “Sports Listings”] covered by an IPG time listing and determining the time period [7:00 PM to 8:00 PM or 7 PM only])

covered by an IPG time listing), or identity of time listings presented (fig. 2C Kamen teaches identifying/determining how and what time listings are displayed, e.g., identified sports listing showing during a selected time [“today”] or identifying/determining the time span, i.e., length of the MLB/bat listing so that it corresponds with the programs actual showing time – col. 8, lines 12-14).

See Final Office Action, p. 4.

Even if, *arguendo*, Kamen discloses that there are times associated with the channels and channel types that are selected, Kamen fails to disclose a screen configuration characteristic of the actual number of time listings presented concurrently or coverage of a time listing. Therefore, Kamen does not anticipate independent claim 39, and the rejection should be withdrawn.

G. Claims 43-48

The Final Office Action rejects claims 43-48 under 35 U.S.C. §102(e) as allegedly being anticipated by Kamen, *et al* (U.S. Patent No. 6,421,067). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 43, as amended, recites:

43. A method for configuring a user interface, comprising:
receiving a first user input identifying an interactive program guide (IPG) channel listing characteristic, **where the channel listing characteristic comprises the number of channels presented concurrently**; and
providing the user with an IPG screen that has the characteristic identified via the first user input.
(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 43 as amended is allowable for at least the reason that Kamen does not disclose, teach, or suggest at **where the channel listing characteristic comprises the number of channels presented concurrently**. Even if, *arguendo*, Kamen discloses changing an IPG

screen characteristic, it does not disclose modifying the IPG configuration data, namely, the number of channels presented concurrently.

The Final Office Action states that, in *Kamen*,

the number of channels displayed in on [sic] the screen depends on what user selected EPG mode. For example, in fig. 2A the EPG has identified a number, i.e., three channels (ABC, FOX and CBS) to be displayed concurrently in the “Program Listings Today” mode. In another user selected mode e.g., “Sports Listings”, “NEWS Listings” modes, etc, similar to the mode selected in fig.2 (not shown), which identifies a number of channels that are showing programs that fit user selected category (Sports in fig. 2) at a specified time period (7pm in this case). Furthermore, it is inherent that identifying, determining and changing how many channels are displayed concurrently occurs when the number of channels with programming that match the user specified category changes as taught by *Kamen*, e.g., in fig. 2C’c if the “NEWS” category is selected for time period starting at 9pm the system logic will identify and determine only ABC and CBS (two) of the three channels displayed in fig. 2A or fig.2.

See Final Office Action, pp. 2-3

Applicant respectfully disagrees. “Anticipation by inherency requires that 1) the missing descriptive matter be ‘necessarily present’ in the prior art reference ...” *Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264 (Fed. Cir. 1991). If, for instance, a user of the system of *Kamen* selects 18 channels to be displayed concurrently in the “Program Listings Today” mode, all 18 channels will not be listed on the same page. *Kamen* fails to teach configuring how many of those 18 channels are displayed concurrently in the IPG. Therefore, since configuring the number of concurrently displayed channels does not necessarily follow from selecting a listing of channels, modifying a characteristic for a number of channels presented concurrently is not inherent in the disclosure of *Kamen*. The feature is neither inherent in *Kamen*, nor does *Kamen* disclose the feature. Therefore, *Kamen* does not anticipate independent claim 43, and the rejection should be withdrawn.

Because independent claim 43 as amended is allowable over the cited references of record, dependent claims 44-48 (which depend from independent claim 43) are allowable as a matter of law for at least the reason that dependent claims 44-48 contain all the steps/features of

independent claim 43. Therefore, since dependent claims 44-48 are patentable over *Kamen*, the rejection to claims 44-48 should be withdrawn and the claims allowed.

H. Claim 51

The Final Office Action rejects claim 51 under 35 U.S.C. §102(e) as allegedly being anticipated by *Kamen, et al* (U.S. Patent No. 6,421,067). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 51 recites:

51. A method for configuring a user interface, comprising:
receiving a first user input identifying an interactive program guide (IPG) time listing characteristic, ***where the time listing characteristic is at least one of the following:***
number of time listings presented concurrently and coverage of a time listing; and
providing the user with an IPG screen that has the characteristic identified via the first user input.
(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 51 is allowable for at least the reason that *Kamen* does not disclose, teach, or suggest at least **where the time listing characteristic is at least one of the following: number of time listings presented concurrently and coverage of a time listing**. Even if, *arguendo*, *Kamen* discloses changing an IPG screen characteristic, it fails to disclose configuring a number of time listings presented concurrently or coverage of a time listing.

The Final Office Action states:

Kamen teaches identifying/determining an IPG time listing characteristic (look of the EPG/IPG information displayed) where the time listing characteristic is at least one of the following:
number of time listings presented concurrently (2A-2C; in which *Kamen* teaches determining a number of listings shown for a user selected mode/time periods, e.g., seven time listings are presented concurrently in fig. 2A, three time listings are presented

concurrently in figs 2 & 2B, four time listings are presented concurrently in fig. 2C), coverage of a time listing (In fig. 2A and 2, Kamen teaches determining the category/topic [all program listings or “Sports Listings”] covered by an IPG time listing and determining the time period [7:00 PM to 8:00 PM or 7 PM only] covered by an IPG time listing), or identity of time listings presented (fig. 2C Kamen teaches identifying/determining how and what time listings are displayed, e.g., identified sports listing showing during a selected time [“today”] or identifying/determining the time span, i.e., length of the MLB/bat listing so that it corresponds with the programs actual showing time – col. 8, lines 12-14).

See Final Office Action, p. 4.

Even if, *arguendo*, Kamen discloses that there are times associated with the channels and channel types that are selected, Kamen fails to disclose a screen configuration characteristic of the actual number of time listings presented concurrently or coverage of a time listing. Therefore, Kamen does not anticipate independent claim 51, and the rejection should be withdrawn.

III. Rejections Under 35 U.S.C. §103(a)

Claims 15 and 16

The Final Office Action rejects claims 15 and 16 under 35 U.S.C. §103(a) as allegedly being unpatentable over Kamen, *et al* (U.S. Patent No. 6,421,067) in view of Lemmons, *et al* (U.S. Patent No. 6,442,775). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Because independent claim 1 is allowable over the cited references of record, dependent claims 15 and 16 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 15 and 16 contain all the steps/features of independent claim 1. Therefore, the rejection to claims 15 and 16 should be withdrawn and the claims allowed.

Additionally, with regard to the rejection of claims 15 and 16, Lemmons does not make up for the deficiencies of Kamen noted above. Therefore, claims 15 and 16 are considered patentable over any combination of these references.

IV. Miscellaneous Issues

Any other statements in the Final Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Final Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-3, 6, 10-23, 26, 30-36, 39, 43-48, and 51 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

It is believed that no extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account No. 20-0778.

Respectfully submitted,

/BAB/

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